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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,500	01/29/2004	Timothy Culver	09710-1216	5521
7590 04/08/2008 WORLD.COM, INC. TECHNOLOGY LAW DEPARTMENT 1133 19TH STREET, N.W. WASHINGTON, DC 20036				
EXAMINER MARCELO, MELVIN C				
ART UNIT 2616		PAPER NUMBER		
MAIL DATE 04/08/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/767,500

Applicant(s)

CULVER, TIMOTHY

Examiner

Melvin Marcelo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-40 and 51-65 is/are allowed.
- 6) ☒ Claim(s) 41-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 41-50 is withdrawn in view of the reference(s) to Bowater et al.(EP 0794650 A2) and Hulen et al. (US 5497373 A). Rejections based on the cited reference(s) follow.

These claims lack the feature of the internet telephony web site to connect a call from a calling party to a called party which also includes the message storage system which the Board of Patent Appeals and Interferences found to distinguish applicant's invention from Bowater's DTMAIL website. The Board decision includes the following:

We agree with appellant. We find that while Bowater does teach the use of a telephony web site to connect a call from a calling party to a called party, the DTMAIL 610 website attached to the Internet would be the location/website which receives the message from the calling party and through which the voicemail message would be retrieved by the called party. (Ex parte TIMOTHY CULVER, Appeal No. 2001-1569 decision, page 4, lines 2-5).

Claims 41-50 are directed to only the website of the message storage system and thus not patentable over Bowater.

2. Claims 27-40 and 51-65 are allowed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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4. Claims 41, 42, 45-47 and 50 are rejected under 35 U.S.C. 102(a) as being anticipated by Bowater et al. (EP 0794650 A2).

With respect to the claims below, references to the prior art appear in parenthesis.

Claims

41. *A method of providing telephony services over an Internet Protocol (IP) network (Bowater's "Voice Mail on the Internet" is a telephony service over the Internet network as shown in Figure 6), comprising:*

providing a web site for enabling a called party to request retrieval of a message from a calling party initiating a voice call to the called party over the IP network (Web site corresponds to the Internet address of the voice mail system 610 where the calling party client 1 sent a voice mail in column 10, line 57 to column 11, line 12);

receiving a request from the web site by the called party to retrieve a message from the calling party (Message retrieval by the called party over the voice mail system WWW site in column 13, lines 20-58);

fetching the message from a data storage system storing the message for retrieval by the called party (Voice mail message retrieved by the called party in column 13, lines 20-58); and

transmitting the message to the called party over the Internet Protocol network (Message over the Internet in column 13, lines 20-58).

42. *The method according to claim 41, wherein the message includes a voicemail message (Voice mail system 610).*

45. *The method according to claim 41, further comprising:*

registering the called party via the web site (Called party registers at the WWW site using a Web browser over the Internet in column 13, lines 20-25).

46. *A telephony system for providing telephony services over an Internet Protocol (IP) network (Bowater's "Voice Mail on the Internet" is a telephony service over the Internet network as shown in Figure 6), comprising:*

a web server for providing a web site for enabling a called party to request retrieval of a message from a calling party initiating a voice call to the called party over the IP network (Web server provide the Web site corresponding to the Internet address of the voice mail system 610 where the calling party client 1 sent a voice mail in column 10, line 57 to column 11, line 12) and receiving a request from the web site by the called party to retrieve a message from the calling party (Message retrieval by the called party over the voice mail system WWW site in column 13, lines 20-58);

a processor configured for fetching the message from a data storage system storing the message for retrieval by the called party and transmitting the message to the called party over the Internet Protocol network (Voice mail system processes called party requests to retrieve and transmit the message to the called party in column 13, lines 20-58).

47. *The system according to claim 46, wherein the message includes a voicemail message (Voice mail system 610) .*

50. *The system according to claim 46, wherein the processor is further configured for registering the called party via the web site (Called party registers at the WWW site using a Web browser over the Internet in column 13, lines 20-25).*

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 43-44, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowater et al. in view of Hulen et al. (US 5,497,373 A).

Bowater teaches a voice mail system, rather than a video or multi-media mail system. However, Hulen teaches to incorporate multi-media such as video with the voice mail system (Host Messaging Center 14 in Figure 1) in order to provide a wide variety of information and communication services. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bowater to incorporate video and multi-media messages into the voice mail system in order to provide a wide variety of information and communication services as taught by Hulen.

With respect to the claims below, references to the prior art appear in parenthesis.

Claims

43. *The method according to claim 41, wherein the message includes a video message (Obvious to provide multi-media mail messages such as in Hulen's Host Messaging Center 14 in Figure 1).*

44. The method according to claim 41, wherein the message contains multi-media information (Obvious to provide multi-media mail messages such as in Hulen's Host Messaging Center 14 in Figure 1).

48. The system according to claim 46, wherein the message includes a video message (Obvious to provide multi-media mail messages such as in Hulen's Host Messaging Center 14 in Figure 1).

49. The system according to claim 46, wherein the message contains multi-media information (Obvious to provide multi-media mail messages such as in Hulen's Host Messaging Center 14 in Figure 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Marcelo whose telephone number is 571-272-3125. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melvin Marcelo
Primary Examiner
Art Unit 2616

/Melvin Marcelo/
Primary Examiner, Art Unit 2616
March 31, 2008